This office action cites the following references for the first time. (Their numbering shall also apply to the further proceedings):

(1) *B1* DE 44 32 061 C1
(2) *B2* EP 0 384 936 A1
(3) *B3* US 6,247,058 B1

The present claim 1 is directed to a method for receiving data packets marked by identifiers in a data network. Such a method, as claimed in the present claim 1, is known from publications (1) and (2).

Publication (1), which describes a data network with redundant network paths in which a node has a plurality of input ports, discloses the following features:

- A first data packet is received at a first port of a circuit unit (see figure 1, one of the two receiving units 2). The description of figure 1, column 2, lines 15–23 states that the arrival of the data packet (here termed a "cell") at a first timer value ("time mark") is detected.

- The user data of the first data packet is stored. In column 2, lines 48–60 it says that the "cell," which also contains the user data (see column 1, lines 23–26), is stored. In addition, the timer value is also stored.

- A second data packet with the identifier of the first data packet is received at a second input port at a second timer value. The description of figure 1, column 4, lines 43–67, states that two identical data packets arrive at the input port of one of the circuit units 5 at different times because they reach the units through different (redundant) paths. The identifier ("header field" of the "cell" and "information regarding the destination of the cell," see column 1, lines 23–33) is used to detect the two data packets, which are identified as being "identical."

Furthermore, the additional publication (2), which also describes a data network with redundant network paths, such that a node has a plurality of input ports, discloses the following features:

- Identical data packets are generated and, provided with the same (additional) identifier, are transmitted via redundant paths (see column 1, line 36 to column 2, line 30);

- The user data of a (first) data packet are stored in the address space assigned to the identifier in a memory of the node. The description of figure 2, column 4, line 15 to column 5, line 35, states that the address of a storage cell for the user data is decoded from the identifier ("packet header") using an "address decoder" and can be controlled by the "address decoder" (see, in particular, column 4, lines 37–40).

Based on publication (1), which already discloses the essential features of the claimed method for receiving data packets marked by identifiers at a data network node with a plurality of input ports, the person skilled in the art was able to get the suggestion from the additional publication (2) (a patent of the applicant), which also describes a data network with redundant network paths, to explicitly transmit in the identifier the assigned address space of the memory for storing the user data of the data packet.

Thus, based on publication (1) and taking into account publication (2), the person skilled in the art was able to arrive at the subject of claim 1 without any recognizable inventive step. As a result, claim 1 is not patentable. The dependent claims 2–7 referencing claim 1 are therefore also not patentable.

Regarding the subject of dependent claim 2, reference is made to publication (1), column 2, line 61 to column 3, line 4. According to that passage, means are provided for overwriting the assigned address space (and the stored timer value) of the first data packet such that the first data packet is overwritten with a second data packet having the same input number (identifier) if the initially stored data packet contains errors.

In addition, the remaining dependent claims merely relate to simple embodiments of the subject of claim 1, which fall within the ability of one skilled in the art. Thus, the dependent claims are not patentable for lack of an inventive step, either in of themselves or in conjunction with the subject of claim 1.

The subject of the co-ordinate claim 8 relates to a node with an application for carrying out the method according to claim 1. Such a node, as claimed in the present claim 8, is known from publications (1) and (2).

Since the claimed node results from the features of the method according to claim 1, reference is made to the statements in connection with claim 1. Claim 8 is therefore not patentable for the reason already cited in connection with claim 1.

Regarding the subject of dependent claim 9, reference is made to the comments in connection with claim 2.

The subject of the co-ordinate claim 10 is directed to a data network having at least one node with an application for carrying out the method according to claim 1. Such a node, as claimed in the present claim 10, is known from publications (1) and (2).

Since the claimed data network results from the features of the method according to claim 1, reference is made to the statements regarding claim 1. Thus, claim 10 is not patentable for the reason already stated in connection with claim 1.

Regarding the subject of the dependent claim 11, reference is again made to the statement in connection with dependent claim 2.

The subject of the co-ordinate claim 12 is directed to a computer program product for a node in a data network comprising program steps corresponding to the method according to claim 1. These program steps, as claimed in the present claim 12, are known from publications (1) and (2).

Since the claimed computer program product results from the features of the method according to claim 1, reference is made to the statements in connection with claim 1. Thus, claim 12 is not patentable for the reason already stated in connection with claim 1.

Regarding the prior art, reference is further made to the additional publication (3). In that document, data packets are marked with a timer value when they are received at the input port of the network element.

Based on the present documents, a patent grant is unlikely.

Examining Section for Class H 04 L
Dipl.-Ing. Süssmuth
Extension: 3492

Enclosures:
Copies of 3 publications

Ste

Issued by:
[signature:] Steinmeyer
Government Employee

[seal:]
German Patent and Trademark Office 61